

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

2016 SEP 15 PM 12: 25

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SCOTT A. LOWE,
Plaintiff

v.

PFIZER, INC.,
Defendant

Docket No. 5:16-cv-248

NOTICE OF REMOVAL

Defendant Pfizer, Inc. ("Pfizer"), by its counsel, and pursuant to 28 U.S.C. §§ 1332 and 1441, files this Notice of Removal with respect to the case entitled *Scott Lowe v. Pfizer, Inc.*, from the Vermont Superior Court, Orleans Civil Division. The grounds for this removal are as follows:

1. On August 15, 2016, Pfizer was served with the above-referenced Complaint, which alleges failure to warn and product liability. A copy of the Summons, Complaint, and Return of Service is attached as Exhibit 1.
2. This Court has subject matter jurisdiction over the Complaint because of diversity of citizenship pursuant to 28 U.S.C. § 1332.
3. Diversity jurisdiction exists in this matter, in that:
 - a. Plaintiff Scott Lowe is an inmate at the Northern State Correctional Facility in Newport, Vermont, and a resident of Vermont. (Exhibit 1.)
 - b. Pfizer is a Delaware corporation with its principal place of business in the State of New York.

4. Additionally, the amount in controversy herein exceeds \$75,000.00, exclusive of interest and costs. 28 U.S.C. § 1332(a). The Complaint seeks \$20,000,000 in compensatory damages and \$10,000,000 in punitive damages.

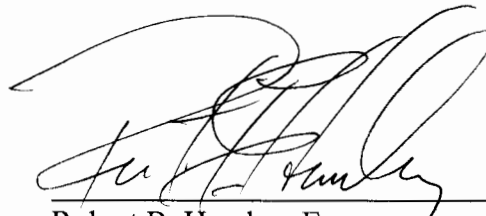
5. Because Plaintiff and Defendant are citizens of different states and the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs, this Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332 and this case is removable to this Court pursuant to 28 U.S.C. §§ 1441 and 1446(b).

6. By filing this Notice of Removal, Defendant does not waive any defenses available at law, in equity or otherwise.

7. Written notice of the filing of this Notice will be served upon Plaintiff and filed with the Vermont Superior Court, Orleans Civil Division.

WHEREFORE, Defendant respectfully requests that the above-referenced civil action proceed in the United States District Court for the District of Vermont as an action properly removed thereto under 28 U.S.C. § 1332 and 1441.

Dated: Burlington, Vermont
September 15, 2016



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